

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

MARIBEL XIRUM,  
JAVIER JAIMES,  
BAIJEBO TOE,

Plaintiffs,

v.

No. 1:22-cv-00801-TWP-KMB

U.S. IMMIGRATION AND CUSTOMS )  
ENFORCEMENT (ICE), )  
U.S. DEPARTMENT OF HOMELAND )  
SECURITY (DHS), )  
ALEJANDRO MAYORKAS under the title of )  
Secretary of DHS, )  
TAE JOHNSON under the title of Acting Director )  
of ICE, )  
MONICA S. BURKE under the title of ICE Acting )  
Assistant Director of Custody Management;, )  
RICARDO A. WONG under the title of ICE )  
Deputy Assistant Director, Oversight Compliance )  
and Acquisition Division, )  
SYLVIE RENDA under the title of Acting Field )  
Office Director of the ICE Chicago Field Office, )  
TRAVIS GRAHAM under the title of ICE Officer, )  
ANGELINA RAMOS under the title of ICE )  
Officer, )  
VIRGINIA SUTTER under the title of ICE )  
Officer, )  
CLAY COUNTY, INDIANA, )  
CLAY COUNTY COUNCIL, )  
CLAY COUNTY SHERIFF'S OFFICE, )  
PAUL B. HARDEN under the title of Clay County )  
Sheriff, )  
JACKIE MITCHELL under the title of Clay )  
County Council Member, )  
JASON BRITTON under the title of Clay County )  
Council Member, )  
JASON THOMAS under the title of Clay County )  
Council Member, )  
LARRY J. MOSS under the title of Clay County )  
Council Member, )

JOHN NICOSON under the title of Clay County )  
 Council Member, )  
 DAVID AMERMAN under the title of Clay )  
 County Council Member, )  
 PATRICIA HEFFNER under the title of Clay )  
 County Council Member, )  
 BRYAN ALLENDER under the title of Clay )  
 County Commissioner, )  
 MARTY HEFFNER under the title of Clay )  
 County Commissioner, )  
 PAUL SINDERS under the title of President of the )  
 Clay County Board of Commissioner, )  
 ELIZABETH HUGHETT under the title of Clay )  
 County Sergeants and ICE Contract Coordinator, )  
 DAVID PARKER under the title of Clay County )  
 Sergeants and ICE Contract Coordinator, )  
 JASE GLASSBURN under the title of Clay )  
 County Sergeants and ICE Contract Coordinator, )  
 JENNIFER M. FLATNER under the title of Clay )  
 County Auditor, )  
 DEBRA JAMES under the title of Clay County )  
 Treasurer, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )  
 )  
 MERRICK B. GARLAND, )  
 Zachary Myers, )  
 )  
 Miscellaneous. )

### **ORDER ON CLAY COUNTY'S MOTION TO TRANSFER DIVISION**

This matter is before the Court on Defendant Clay County's<sup>1</sup> Motion to Transfer Division ([Filing No. 47](#)). Plaintiffs Maribel Xirum, Javier Jaimes, and Baijebo Toe (together, "Plaintiffs") object to the request. The federal defendants take no position. *Id.* at ¶¶ 5–6. The venue provision

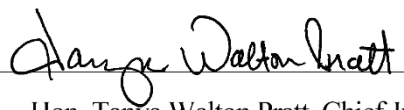
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<sup>1</sup> Defendant "Clay County" includes Defendants Clay County, Indiana; the Clay County City Council; the Clay County Board of Commissioners; the Clay County Jail; the Clay County Sheriff's Office; Paul B. Harden, in his official capacity as Clay County Sheriff; Jackie Mitchell, Jason Thomas, Larry J. Moss, John Micoson, Dave Amerman, and Patricia Heffner, in their official capacities as Clay County Commissioners; Paul Sniders, in his official capacity as President of the Clay County Board of Commissions; Elizabeth Hughett, David Parker, and Jase Glassburn, in their official capacities as Clay County Sergeants and ICE Contract Coordinators; Jennifer M. Flater, in her official capacity as Clay County Auditor; and Debra James, in her official capacity as Clay County Treasurer.

in 28 U.S.C. § 1404(b) states that “[u]pon motion, . . . any action, suit, or proceeding of a civil nature . . . may be transferred, *in the discretion of the court*, from the division in which it is pending to any other division in the same district.” Plaintiffs oppose the Motion and the federal defendants take no position on the requests. Because Plaintiffs’ claims against Clay County have been dismissed—albeit without prejudice, and with leave to amend—the Court exercises its discretion, and **DENIES** the Motion to Transfer Division ([Filing No. 47](#))<sup>2</sup>.

**SO ORDERED.**

Date: 3/30/2023

  
Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

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<sup>2</sup> In the event that this matter proceeds to trial, and if Clay County Defendants remain in this action; they may file a motion requesting that the trial be held in the Terre Haute division for the convenience of witnesses.

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